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Hon. Nelson S. Román
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

February 10, 2022

Re: 00194-Fishman v City of New Rochelle, et al.
19-cv-00265-NSR

Dear Judge Román:

I am the attorney of record for plaintiff, Marc H. Fishman, and submit this letter motion requesting a third extension of thirty (30) days to file the amended complaint and to serve the individual defendants. This request will not affect any other deadlines and counsel for the City and County defendants do not object to the requested adjournment. This request would render the amended complaint due by March 18, 2022, and service on the individual defendants by April 17, 2022.

The requested extension is necessary as although the plaintiff could not attend his sentencing on January 19, 2022, due to medical and disability reasons, an accommodation to appear remotely, to be sentenced in absentia or for an adjournment was denied. The Westchester County Criminal Court Judge then issued a bench warrant for Mr. Fishman. Since that time a petition for *certiorari* was filed and served on Mr. Fishman's behalf for his separate claims against the Office of Court Administration. The issuance of the bench warrant has complicated this office's efforts in preparing and finalizing the amended complaint and working with Mr. Fishman on doing so. We may file a motion to set aside the bench warrant.

The requested extension is also necessary as the undersigned has several assignments and case deadlines which make the current deadline impracticable. For instance, yesterday the undersigned commenced suppression hearings in a homicide case in Brooklyn Supreme Court. Thus, the requested extension is necessary so the undersigned may be able to timely and properly file the amended complaint in this matter.

Thus, we respectfully request an extension of thirty (30) days to file and serve the amended complaint. Thank you for your time and attention to this matter.

Very truly yours,
Caner J. Demirayak
Caner Demirayak, Esq.

CC: All counsel via ECF